



10/635,873

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Continuation application of:

Alice H. Howe

TENNIS RACQUET EQUIPPED
WITH A TENNIS BALL RETRIEVER

Attorney Docket No.: MPH 03-13

) Application No: 10/635,873

) Art Unit 3711

) Examiner: Raleigh W. Chiu

) Filing Date: 08/05/2003

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Commissioner for Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

This communication is in response to Office Action Paper No./Mail Date 08062005, the Final Rejection of August 11, 2005, rejecting Claims 1, 4 and 6-15 under 35 U.S. C. 103(c).

REMARKS

This communication is in response to the final rejection of claims 1, 4 and 6-15 of the Office Action Paper No./Mail Date 08062005. The current application is a continuing application of parent application serial No. 09/655,743 within which the more narrowly defined claims of this application were deemed allowable essentially upon the same prior art in the decision of the Patent and Trademark Board of Appeals of Case No. 2004-2020. The Board of Appeals reversed the Examiner in toto on grounds essentially identical to those involved in the 35USC103(a) rejections of this Office Action except for the newly cited secondary or tertiary reference of U.S. Patent No. 6,401,997 to Smerdon Jr.

The appealed claims in the parent application were deemed allowable, patentably distinct over essentially the same 35USC103(a) rejection, involving the same references, by the same Examining Attorney in the decision of the Board of Appeals except that the appealed claims were



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This supplemental response supplements applicants responsive reply of October 11, 2005 to the final rejection of August 11, 2005.

SUPPLEMENTAL RESPONSE

There exists no citation of any prior art which teaches or suggests that the uniquely claimed embodiments of a pre-shrunk nylon monofilament hooked fastener material characterized by an average hook width of at least 1.00 mm, an average hook depth of at least 6.0 mm, an average monofilament diameter greater than 8.0 mil, and average hook height of at least 1.70 mm (as prescribed by claims 1 and 10) coupled with an additional prerequisite of method claim 10 requirement and dependent claim 4 as having "at least 250 hooks per square inch" and "of a spiral configuration arranged in repetitive rows" (claim 10) when attached to the convex curvature of a tennis racquet would exhibit an unexpected superiority in tangential hooking and lifting so as to allow the hooked material to retrieve all major brands of grounded tennis balls including balls weighted to more than three times the weight of an ordinary tennis ball (e.g. see examples and applicant's affidavit in the parent application).